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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/512,268	02/24/2000	Makiko Mori	862.C1847	5969

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FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 04/23/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/512,268

Applicant(s)

MORI ET AL.

Examiner

Trang U. Tran

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2614

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>9</u> . | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 and 8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US Patent No. 6,172,719 B1).

In considering claim 1, Kim discloses all the claimed subject matter, note 1) the claimed detection means for detecting an environment of the controller and/or the image display device is met by the chromaticity sensing section 21 and the temperature sensing section 28 (Fig. 2, col. 4, line 40 to col. 5, line 27), 2) the claimed first adjustment means, arranged in the controller, for adjusting a first characteristic of the image display device is met by the contrast control section 24 or the brightness control section 25 which control the brightness of the picture to be display (Fig. 2, col. 5, lines 48-62), 3) the claimed second adjustment means, arranged in the image display device, for adjusting the second characteristic of the image display device is met by the white point control section 26 which controls the respective levels of the RGB primary color signals (Fig. 2, col. 5, line 63 to col. 6, line 7), and 4) the claimed control means for

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selectively operating one of said first and second adjustment means in accordance with a detection result of said detection means is met by the control signals outputted from the microprocessor 22 for controlling either brightness, contrast or color temperature of the picture display (Fig. 2, col. 5, line 48 to col. 6, line 7).

Kim discloses both first adjustment means and second adjustment means are located in the image display device. However, Kim does not specifically disclose the newly added limitation that the first adjustment means is arranged in the controller and the second adjustment means is arranged in the display device. It is noted that whether both first adjustment means and second adjustment means are located in the image display device or the first adjustment means is located in the controller and the second adjustment means is located in the display device is considered to be obvious to one of ordinary skill in the art because changing the location of first adjustment means or second adjustment means provides no significant functional or patentable differences. In re Japikse, 86 USPQ 70 (CCPA 1950).

In considering claim 2, the claimed wherein said control means selectively operates one of said first and second adjustment means to performs an adjustment operation when the detection result of said detection means changes not less than a predetermined degree is met by the referred to as "nature eyes" or "nature sensor" (col. 6, lines 20-42) of Kim.

In considering claim 3, the claimed wherein adjustment operations controlled by said control means are distributed between said first and second adjustment means in advance is met by the control signals outputted from the microprocessor 22 for

controlling either brightness, contrast or color temperature of the picture display (Fig. 2, col. 5, line 48 to col. 6, line 7) of Kim.

In considering claim 4, the claimed wherein the system further comprises transfer means for transferring the detection result of said detection means between the image display device and the controller, said transfer means being capable of transferring an adjustment result obtained upon an adjustment operation by one of said first and second adjustment means in the image display device and the controller to the other one of the image display device and the controller, and wherein said controller selectively operates one of said second adjustment means of the image display device and said first adjustment means of the controller to performs necessary adjustment by said one of said first and second adjustment means when the detection result transferred by said transfer means is an environmental change requiring adjustment by said one of said first and second adjustment means is met by the microprocessor 22 and the decoder and D/A converter of the video processor 20 (Fig. 1, col. 1, line 35 to col. 2, line 65) of Kim.

In considering claim 5, the claimed wherein said detection means detects a change in brightness, and said first adjustment means of the controller performs an adjustment operation corresponding to a change in brightness is met by the contrast control section 24 or the brightness control section 25 which control the brightness of the picture to be display (Fig. 2, col. 5, lines 48-62) of Kim.

In considering claim 6, the claimed wherein said detection means detects a change in color temperature, and said second adjustment means of the image display

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device performs a color temperature adjustment operation is met by the white point control section 26 which controls the respective levels of the RGB primary color signals (Fig. 2, col. 5, line 63 to col. 6, line 7) of Kim.

In considering claim 8, the claimed wherein an adjustment result of said second adjustment means is informed to the controller is met by the control signals outputted from the microprocessor 22 for controlling either brightness, contrast or color temperature of the picture display (Fig. 2, col. 5, line 48 to col. 6, line 7) of Kim.

Claims 9-16 are rejected for the same reason as discussed in claims 1-8, respectively.

Claim 17 is rejected for the same reason as discussed in claim 1.

Claim 18 is rejected for the same reason as discussed in claim 1.

In considering claim 19, the claimed wherein the adjustment operation is a contrast adjustment operation is met by the contrast control section 24 or the brightness control section 25 which control the brightness of the picture to be display (Fig. 2, col. 5, lines 48-62) of Kim.

Claim 20 is rejected for the same reason as discussed in claim 19.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US Patent No. 6,172,719 B1).

In considering claim 7, Kim discloses all the limitations of the instant invention as discussed in claims 1 and 3 above, except for providing the claimed wherein said detection means detects a busy telephone signal, and said second adjustment means of the image display device performs a volume adjustment operation to reduce noise in accordance with said detection means. Performing volume adjustment of the image display is old and well known in the art. Therefore, the Official Notice has been taken. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the old and well known volume adjustment into Kim's system in order to change the audio level to the suitable levels for the user.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trang U. Tran** whose telephone number is **(703) 305-0090**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W. Miller**, can be reached at **(703) 305-4795**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231


**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

TT TT  
April 19, 2003

  
**JOHN MILLER**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**